

Chief, CFB  
Through ARSC  
Office of General Counsel

10 August 1949

Marriage of Employees En Route to Permanent Station

1. Reference is made to your memorandum of 8 July 1949, inquiring whether any authority exists for the amendment of travel orders to provide for the travel expenses of dependents of employees acquired after the issuance of travel orders and either prior to or after the commencement of travel.

2. Generally speaking, your review of the Standardized Government Travel Regulations, Foreign Service Travel Regulations, and various decisions of the Comptroller General indicating that dependents acquired en route or at a TDY post of duty are required to travel at the personal expense of the employee, is correct. However, it would appear that the standards to be applied in cases of this sort should be abstracted from the rationale of the decisions and sanctioned administrative practices of the Department of State concerned with the transportation and travel expenses of dependents and household effects of Foreign Service officers.

3. You have undoubtedly observed, in your review of the decisions, that an essential condition of the conclusions reached therein is the principle that the right to transportation accrues to the personnel concerned only as to effects in possession when ordered to make a change of station, it being uniformly held by the accounting officers that the responsibility of the Government for shipment of effects is limited to those owned on the effective date of the change of station order, and may not include after acquired property.

4. In Comp. Gen. 268, it was held, quoting from the syllabus

"To entitle Foreign Service officers to reimbursement of the cost of transportation of household goods, including automobiles, purchased while en route to a new post of duty, it must appear that the transportation charges were incurred only after title to the property passed to the officer and such charges may include only the actual and necessary cost of such transportation, subject to limitation prescribed in the regulations, directly from the place where the title passes to him to his new post."

5. It is to be noted that this case was resolved on the principle of where and when title passed. In construing Section 11 of the President's Regulations, Executive Order 8588, as amended by

Executive Order 9122 dated 6 April 1942, issued under the authority of the Act of 10 October 1940, 52 Stat. 1105, the Comptroller had occasion to comment that the application of the after acquired rule was to be compared with 10 Comp. Gen. 268, involving the application of the laws and regulations governing the transportation of the household goods of officers and employees in the Foreign Service of the Department of State who did not fall within the purview of said Act or the regulations issued thereunder. The employee received an adverse decision in the light of the long existing rule which was held to be applicable to all officers and employees of the Government other than those in the Foreign Service of the Department of State. 24 Comp. Gen. 69.

6. As you have mentioned in your memorandum, there are decisions holding that in view of the provisions in the Foreign Service acts authorizing the payment of expenses of transportation of the families of Foreign Service officers when traveling to and from the United States upon leaves of absence, a Foreign Service officer who marries while in this country on a leave of absence may be reimbursed for the expense of transporting his wife upon return to his duty station. There is evidence that dependents may be acquired en route on a transfer from one station to another.

7. This statement is illustrated by the type of order which was issued to a Foreign Service officer in connection with his change of station from Bangkok, Siam to Budapest, Hungary. (Unpublished Decision A-51296 dated 17 October 1933.) The officer was advised of his assignment to Budapest by telegraphic instructions of the Secretary of State as follows:

"January 26, 4 pm. No. 6

"For Robert English.

"You are designated Third Secretary Budapest. Should proceed upon expiration leave.

"Transportation expenses you and effects authorized subject to travel regulations. Understood you contemplate marriage and if so transportation expenses wife also authorized. Submit estimate."

8. Informal contacts with the Department of State establish that subsequent to arrival of a Foreign Service officer or employee at his assigned post of duty overseas he may take leave at his own expense, acquire a wife in the United States during his leave, and have the travel of his newly acquired dependent authorized under proper orders to the employee's post of duty overseas. The Department of State bears this practice on Section 103.617 (a) of the Foreign Service Regulations.

9. In view of the foregoing, it would, therefore, appear consistent in the situations posed by your memorandum to authorize, by appropriate regulations issued by the Director, the travel of the dependent to the

employee's place of assignment overseas, not to exceed the cost from  
TDY post of duty to the place of assignment.

JBK/jaw

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cc: Subject  
Chrono  
Legal Decisions ✓  
*Executive*